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EXAMINER				
ZURITA, JAMES H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/360,422

Applicant(s)

WALKER ET AL.

Examiner

JAMES ZURITA

Art Unit

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12-43, 47-59, 61-72, 74-79, 82-104 and 108-126 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-43, 47-59, 61-72, 74-79, 82-104 and 108-126 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

On 31 October 2007, applicant filed a petition to revive the abandoned application.

On 26 June 2008, the Office granted applicant's petition to revive.

On 31 October 2007, applicant amended claims 1, 2, 13, 15, 16, 17, 19, 22, 28, 30, 33, 35, 47, 48, 74, 108.

Applicant's submission of 31 October 2007 has been entered.

### ***Response to Amendment***

Applicant's submission of 31 October 2007 has been entered.

Claims 8-11, 44-46, 60, 73, 80-81 and 105-107 have been canceled.

Claims 1-7, 12-43, 47-59, 61-72, 74-79, 82-104, and 108-126 are pending.

Claims 1, 2, 13, 15, 16, 17, 19, 22, 28, 30, 33, 35, 47, 48, 74 and 108 are independent.

### ***Official Notice and Traverse***

A "traverse" is a denial of an opposing party's allegations of fact.<sup>1</sup> The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants'

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<sup>1</sup> Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

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arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 706.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03  
Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicant's failure to adequately traverse official notice, the following are admitted prior art:

- it is old and well known to measure duration of time spent by a customer viewing information displayed on a web page.
- merchants price package offers according to multiple factors, including profit margins of products (first ... nth) included in a package.
- it is common and well known to present alternate offers to a customer when a customer indicates rejection of a first offer.
- it is old and well known to calculate a different price for a particular product based on the quantity of the product purchased.
- interactive kiosks, with I/O devices (keypad, scanner, card readers, sticks, displays, printers, speakers, for example), are notoriously well known and permit customers to interact with retailer systems to perform many functions that a customer performs from home.
- customer service devices such as kiosks have an input device that comprises a bar code reader.
- Point of Sale system include point of sales terminals that are used to capture data at the time and place of sale; POS systems use personal computers or specialized terminals that are combined with cash registers, optical scanners for reading product tags and/or magnetic card readers for reading credit cards; POS systems may be online to a central computer for credit checking and inventory updating.

### ***Response to Arguments***

Applicant's arguments of 31 October 2007 have been carefully considered.

Objection to claim 33 is withdrawn in view of amendment.

Rejections under 35 USC 112, first paragraph, enablement are withdrawn.

Please see new rejections.

Applicant's arguments have been consolidated.

#### Examiner's interpretation of claimed limitations

Applicant argues, page 41,

Applicants have used reasonably particular language to describe features by which a customer's interest may be indicated, detected, or interpreted. Various examples of how interest in a product may be determined, interpreted, detected, relied upon, or indicated, based on various types of available information (there is no need to read customers' minds) are provided in the disclosure. For instance, a customer may express an interest in a particular product by engaging in particular activities associated with that product. See, e.g., page 15, lines 3-16; page 20, line 25 to page 21, line 13.

In response to this comment, it has been found "That a person skilled in the art might realize from reading the disclosure that such a particular definition (as now argued) is a possible definition is not a sufficient indication to that person that that particular definition is part of Applicant's invention as originally filed. Claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application. In re Prater, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). In the instant case, Applicant has not persuasively demonstrated that the Examiner has applied an unreasonable interpretation of the recited feature, that the interpretation is inconsistent with the specification, or that applied interpretation is ***repugnant*** to one of ordinary skill in the art.

Further, examples are not definitions.

...Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

During prosecution, claims are given their broadest reasonable interpretation:

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In *re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In *re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. MPEP 2106.

As to claims 1, 2, 19, 22, 28, 30, 47, 48, 74, and 108, applicant admits that Blinn

discloses cross-selling of products, yet argues, page 43,

...Blinn is limited to offering to a customer a cross-sell product that is associated in a database with the product selected for purchase by the customer. See, for example, column 21, line 62 through column 22, line 45 and Fig. 13B.

Blinn is consistent with applicant's disclosures, which also show secondary products in association with products selected for purchase by a customer. See applicant's Figs. 2B-2E, for example.

Applicant argues,

The Examiner's assessment of customer registration is not supported by Blinn.

In response, see Blinn, Col. 7, lines 53-66 concerning registration.

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Applicant argues,

Blinn does not teach or suggest the [new limitation, further wherein the at least one secondary product does not have a pre-established relationship with the primary product].

In response, please see rejections under 35 USC 112 concerning pre-established relationship.

Applicant argues,

There is no description or hint in Blinn of selecting a cross-sell product based on an **indication of interest** in the cross-sell product by the customer.

As before, Prior Art is interpreted as disclosing the limitations where prior art discloses the particular actions.

Applicant argues, page 43,

In contrast, various embodiments of the present invention allow for greater flexibility in considering secondary products that do not already have a pre-established relationship with the primary product, such as secondary products about which the system may have information that the secondary products are already of **interest** to the customer (e.g., based on information about prior transactions).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation ("greater flexibility", etc.) that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Further, the Examiner notes that the cited limitations are not in the claims. The claims do not mention of greater flexibility, etc.

...secondary products that do not already have a pre-established relationship [see rejections under 35 USC 112] with the primary product...secondary products are already of **interest** to the customer (e.g., based on information about prior transactions).  
Emphasis added

Applicant argues that the references provide no description or hint for certain limitations. For example

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There is no description or *hint* in Blinn of selecting a cross-sell product based on an **indication of interest** in the cross-sell product by the customer. Page 43.

Applicants have repeatedly read both Blinn and Bernard, and have found no *hint* that either reference teaches any limitation present in Claims 119, 123, 124, 125, and 126. page 45.

Applicants have repeatedly read both Blinn and Bernard, and have found no *hint* that either reference teaches any limitation present in Claim 120. page 48.

Applicant's arguments are not persuasive. As to claim 119, Blinn detects that a primary product is of interest to a customer based on a customer's request for information concerning a primary item. Col. 16, lines 6-37. As to claim 125, Blinn discloses indicating an interest in a primary product (Blinn, see Col. 1, lines 43-56, where a customer indicates an interest in a pair of shoes). Claims 123-124 are rejected on the same grounds as claim 119. Claim 126 is rejected on the same grounds as claim 126.

As to independent claims 16 and 17, applicant argues

In addition to the amendment described above with respect to independent Claims 1 and 17, Claims 16 and 17 have been further amended to recite wherein the previous transaction including at least one previously sold product that does not include the primary product. Neither Blinn nor Gupta alone or in combination, teaches or suggests such a feature.

In response, please see interpretation of claims on the basis of rejections under 35 USC 112.

As to dependent claims 120 and 121, applicant argues

Contrary to the Examiner's assertion, neither Blinn nor Bernard suggests **interest** in another product without having placed the primary product in a virtual shopping basket is the basis for detecting a loss of **interest** in the primary product. In Bernard there is no suggestion of doing anything in response to having items "on hold" other than the explicitly described prompt to the caller, much less determining a package of any kind to offer a customer. Accordingly, the Examiner has failed to establish a prima facie case of obviousness for Claim 121.

In response, these limitations are not in the claims.



As to dependent claim 122, applicant argues

Contrary to the Examiner's assertion, neither Blinn nor Bernard suggests that a primary product being in a virtual shopping basket for a predetermined amount of time without having been purchased is the basis for detecting a loss of *interest* in the primary product.

In Bernard there is no suggestion of doing anything in response to having items "on hold" other than the explicitly described prompt to the caller, much less determining a package of any kind to offer a customer. Accordingly, the Examiner has failed to establish a prima facie case of obviousness for Claim 122.

In response, the claims do not refer to "...is the basis for detecting a loss of interest in the primary product..."

Further in response to Applicant's arguments that the references provide no description or hint for certain limitations, the Examiner respectfully submits that he cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within individual claims, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant argues against the combination of various references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references refer to on-line commerce and e-shopping and tracking customer purchases and offering secondary products.

### ***Priority***

In response to Applicant's arguments concerning priority, the Examiner respectfully notes that inventor Fincham does not appear in other parent applications. Materials invented by Fincham are granted a priority date of 23 July 1999. See correction of inventorship (MPEP § 201.03 or § 1481).

Materials introduced in the instant application are granted a priority of 23 July 1999. For example, profit margins (claims 12, 13, 20, 23, 61, 82, 86) are not mentioned in any of the applications upon which applicant relies for priority.

### ***Claim Rejections - 35 USC § 112 – first paragraph***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 12-43, 47-59, 61-72, 74-79, 82-104, and 108-126 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

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invention. Claims 1-7, 12-43, 47-59, 61-72, 74-79, 82-104, and 108-126 are also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims refer to "...the at least one secondary product does not have a pre-established relationship with the primary product..." For purposes of Examination, prior art is interpreted to meet the limitation where prior art discloses that a secondary product is not currently selected for purchase.

Claims 1-7, 12-43, 47-59, 61-72, 74-79, 82-104, and 108-126 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims refer to detecting and indicating "...customer's interest in a product..."

claim	limitation
1	...detecting that a [...] product is of interest to a customer...
47	...indicating an interest in a [...] product...
74	...[device] operable to interpret data received...as indicating an expression of interest by a customer in a [...] product...
83	...at least one additional product of interest to the customer...
119-124	...detecting a loss of interest...
125-126	...indicating a loss of interest...

For purposes of Examination, Prior Art will be interpreted as disclosing the limitations where prior art discloses the particular actions.

***Claim Rejections - 35 USC § 112 – second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 12-43, 47-59, 61-72, 74-79, 82-104, and 108-126 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims refer to "...secondary products does not have a pre-established relationship with the primary product..." If a secondary product does not have pre-established relationship, how is the secondary product selected for inclusion in a package? Both Blinn and applicant (Figs. 2B-2E) show secondary products in a pre-established relationship with a primary product.

For purposes of Examination, prior art is interpreted to meet the limitation where prior art discloses that a secondary product is not currently selected for purchase.

**Claim Rejections. 35 USC § 102**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4-7, 14-15, 18-19, 21-22, 25-31, 47-49, 51-54, 57, 68, 72, 74, 76-79, 83, 87, 90-94, 108, 111-113, as interpreted, are rejected under 35 U.S.C.102(e) as anticipated by Blinn (US 5897622).

As per claim 1, Blinn discloses method(s) for determination and presentation of a package offer comprising the steps of:

detecting that a primary product is of interest to a customer (Blinn detects a customer's request for information concerning a primary item, as in Col. 16, lines 6-37 and by detecting that a customer has placed a primary item in a shopping basket, as in Col. 17, lines 42-63, for example, thereby detecting a customer's interest)

the primary product having an associated primary product identifier (Blinn discloses the use of product identifiers, as in product numbers, Col. 2, lines 11-41. For Fig. 13B, see SKU for hat, the primary product of interest);

in response to detecting that the primary product is of interest to the customer, determining a package to be offered to the customer, the package comprising the primary product and at least one secondary product, the primary product and the at least one secondary product each having a corresponding retail price. See, for example, Col. 1, lines 43-56, which discloses that in response to detecting that a primary product (such as shoes) is of interest to the customer, a package is determined and offered to a customer, a package comprising shoes and a pair of socks. The primary product has a corresponding retail price, and the secondary product, socks, also has a corresponding retail price.)

wherein at least one of the at least one secondary product is a product not currently selected for purchase by the customer (for example, a customer has selected to purchase a pair of shoes, Col. 1, lines 43-56), and further wherein at least one of the at least one secondary product is selected for inclusion in the package based on an indication of interest, by the customer, in the at least one secondary product Ca customer indicates his interest in an at least one secondary product by virtue of being a member in a frequent shopper program, or part of an incentive program, for example, as in Blinn, Col. 1, lines 43-56); in response to determining the package, determining a package price which is less than a sum of the corresponding retail prices of the primary product and the at

least one secondary product (see, for example, Col. 1, lines 43-56, which shows:  $\text{package price} = \text{price of shoes} + (\text{price of socks} * .50)$ ; which is less than the sum of corresponding retail prices of the products:  $\text{retail price} = \text{price of shoes} + \text{price of socks}$ ; presenting a package offer for sale of the package at the package price to the customer. See, for example Fig. 11 and related text, which shows presenting an adjusted price, as part of an HTML page. Col. 17, lines 1-17).

As per claim 47, Blinn discloses method(s) for assembly, presentation and redemption of a package offer comprising the steps of:

indicating an interest in a primary product (see Col. 1, lines 43-56, where a customer indicates an interest in a pair of shoes by asking for a pair of shoes);

in response to indicating an interest in the primary product, being presented with a package offer to purchase a package at a package price, the package comprising the

primary product and at least one secondary product (see references to socks, Col. 1, lines 43-56. See also Fig. 11, and related text);

wherein at least one of the at least one secondary product is a product not currently selected for purchase (socks were not currently selected for purchase, Col. 1, lines 43-56), and further wherein at least one of the at least one secondary product is selected for inclusion in the package based on an indication of interest, by the customer, in the at least one secondary product (the customer has expressed interest in a secondary product by being a frequent shopper or membership); and providing a customer response comprising an account identifier and an indication of an acceptance of the package offer, the acceptance of the package offer authorizing a charge to a financial account identified by the account identifier for the amount of the package offer pdce (Blinn, credit card payment information, Col. 8, lines 1-16, a customer indicates acceptance of the package offer, by providing payment information, confirming completion of a purchase transaction, as in Col. 8, lines 1-16.).

As per claim 74, Blinn discloses a system for assembly, presentation and redemption of a package offer comprising:

[server computer] a processor, a communications port in communication with the processor operable to send and receive data, Fig. 1, item 102;

a database in communication with the processor operable to store information relating to products stored by corresponding product identifiers (Fig. 2, item 121, Col. 12, line 57-Co1.13, line 23); and wherein the processor is operable to: interpret data received via the communications port from a customer device (Fig. 1, item 100) as

indicating an expression of interest by a customer in a primary product (see Col. 1, lines 43-56, where a customer, via an input device such as a keyboard Fig. 1, item 100, indicates an interest in a pair of shoes).;

access the database (Fig. 4, 5, for example) to determine a package to be offered to the customer, the package comprising the primary product and at least one secondary product, the primary product and the at least one secondary product each having a corresponding retail price, See, for example, Col. 1, lines 43-56, which discloses that in response to detecting that a primary product (such as shoes) is of interest to the customer, a package is determined and offered to a customer, a package comprising shoes and a pair of socks. The primary product has a corresponding retail price, and the secondary product, socks, also has a corresponding retail price;

wherein at least one of the at least one secondary product is a product not currently selected for purchase by the customer (socks were not currently selected for purchase, Col. 1, lines 43-56), and further

wherein at least one of the at least one secondary product is selected for inclusion in the package based on an indication of interest, by the customer, in

the at least one secondary product (the customer has expressed interest in a secondary product by being a frequent shopper or membership); and determine a package price which is less than the sum of the corresponding retail prices of the primary product and the at least one secondary product; see, for example, Col. 1, lines 43-56, which shows:



package price = price of shoes + (price of socks \* .50); which is less than the sum of corresponding retail prices of the products: retail price = price of shoes + price of socks; present a package offer for the sale of the package at the package price to the customer. See, for example Fig. 11 and related text, which shows presenting an adjusted price, as part of an HTML page. Col. 17, lines 1-17.

As per claim 108, Blinn discloses a system for assembly, presentation and redemption of a package offer comprising:

[client computer] a processor and a display device in communication with the processor (Fig. 1, client display device 100) and a communications port in communication with the processor (Fig. 1);

an input device in communication with the processor operable to generate an input signal indicating an interest in a primary product (see Col. 1, lines 43-56, where a customer, via an input device such as a keyboard Fig. 1, item 100, indicates an interest in a pair of shoes); that the processor is operable to:

send the input signal to a central server via a communications port (Fig. 1, a client device transmits the input signal to Blinn's system, which thus detects a customer's interest based on a customer's request for information concerning a primary item. See, for example, references to products of interest, as in Col. 1, lines 25-56. Blinn discloses cross-selling, Col. 1, lines 43-56)

receive from the central server a package offer for purchase of a package at a package price, the package comprising the primary product and at least one secondary product,

that at least one of the at least one secondary product (socks) is a product not currently selected for purchase by the customer, and further that at least one of the at least one secondary product is selected for inclusion in the package based on an indication of interest, by the customer, in the at least one secondary product. Blinn shows that a customer has selected to purchase a pair of shoes, Col. 1, lines 43-56), and a pair of socks is selected for inclusion in the package based on an indication of interest, by the customer, in the at least one secondary product (a customer indicates his interest in an at least one secondary product by virtue of being a member in a frequent shopper program, or part of an incentive program, for example. See also Fig. 13B, which shows a primary product HAT and a secondary product such as a scarf); display the package offer on the display device. (Blinn, Fig. 11 and related text, which shows presenting an adjusted price, as part of an HTML page. Col. 17, lines 1- 17. this is displayed on client computer).

Claim 2 is rejected on the same grounds as claim 1.

As per claim 4, Blinn discloses that detecting that the primary product is of interest to the customer comprises detecting an input signal generated by the customer in response to information displayed on a web-page relating to the primary product. A customer requests information concerning an item of interest, GLOVE, the primary product. See references to keyword search, as in Col. 8, lines 17-34. The search produces information concerning the desired primary product GLOVE, which is then displayed on a web-page at the client computer. See Fig. 2, item 122, customer browser. In response to this display of information, the customer at the client machine

further manifests his interest in a primary product (GLOVE) by using his keyboard or other input device at the client machine, generating an input signal that is detected by the client machine and is transmitted to Merchant System 120, Fig. 2. Merchant System detects the input signal that manifests the customer's interest in primary product GLOVE.

As per claim 5, Blinn discloses that detecting that the primary product is of interest to the customer comprises detecting that the customer has added the primary product to a virtual shopping cart. Col. 8, lines 1-16, Col. 17, lines 18-63, Col. 21, lines 17-34.

As per claim 6, Blinn discloses that detecting that the primary product is of interest to the customer comprises: detecting at least one keyword input by the customer into an input field on a web-page (as in Col. 7, lines 42-53, Col. 8, lines 17-34) and determining that the at least one keyword relates to the primary product ("GLOVE").

As per claim 7, Blinn discloses that detecting that the primary product is of interest to the customer comprises receiving a customer request for a customer requested package associated with the primary product. See, for example, at least Col. 1, lines 43-56, which discloses a package (primary product shoes and secondary product socks at a package price, Col. 8, lines 1-16, package price = price of shoes + (price of socks \* .50). See Col. 8, lines 1-16, which shows that a customer orders the items in the shopping basket, thereby requesting the package of shoes and socks associated with the primary product shoes).

As per claim 14, Blinn discloses storing, in a database, information relating to at least one additional product of interest to the customer (Fig. 2, database 121, Col. 12, line 57-Col. 13, line 23); and that determining the package to be offered to the customer comprises:

accessing the database to determine the at least one additional product of interest to the customer (for example, Fig. 2, item 121, Col. 12, line 57-Col. 13, line 23);

selecting the at least one additional product of interest to the customer as the at least one secondary product (Col. 18, line 25-Col. 19, line 15; the additional product is of interest to the customer by the fact that the customer has selected it and placed it in the shopping basket, See Col. 8, lines 1-16).

Claim 15 is rejected on the same grounds as claim 14.

As per claim 18, Blinn discloses that determining the package price comprises: determining a discounted price for each of the at least one secondary product; and summing the retail price of the primary product and the discounted price for the at least one secondary product to calculate the package price. See, for example, Col. 1, lines 43-56, which shows: package price = price of shoes + (price of socks \* .50).

Claim 19 is rejected on the same grounds as claim 18.

As per claim 21, Blinn discloses that determining the package Price comprises: determining a discounted price for the each of the primary product and the at least one secondary product (see, for example, references to price adjustment stage, as in Col. 16, lines 27-367); and

summing the discounted prices of the primary product and the at least one secondary product to calculate the package price. See, for example, references to order price adjust stage, as in Col. 20, line 27 to Col. 21, line 5.

Claim 22 is rejected on the same grounds as claim 21.

As per claim 25, Blinn discloses in response to presenting the package offer to the customer, receiving a customer response indicating an account identifier and an acceptance of the package offer; and in response to the customer response, charging a financial account identified by the account identifier for the amount of the package price. (Blinn, credit card payment information, Col. 8, lines 1-16, a customer indicates acceptance of the package offer, by providing payment information, confirming completion of a purchase transaction, as in Col. 8, lines 1-16.).

As per claim 26, Blinn discloses storing transaction data relating to sale of the package in a database. Blinn, Col. 6, line 47-Co1.7, line 3, Col. 23, lines 11-24.

As per claim 27, Blinn discloses that a first package offer for sale of a first package at a first package price is presented to the customer; and that a second package offer for sale of a second package at a second package price is presented to the customer. See, for example, Fig. 7 and related text, which shows a first package that has a glove and a hat, and see Fig. 13B and related text, which shows a second package, including a hat and a scarf. Each package has a combined price.

Claim 28 is rejected on the same grounds as claim 27.

As per claim 29, Blinn discloses that the package comprises the primary product (SHOES) and a plurality of secondary products (1 pair, i.e., 2 SOCKS); and that the package offer comprises an offer for sale of a pre-determined number of the secondary products (2 SOCKS), selected by the customer, at the package price. Col. 1, lines 43-56.

Claim 30 is rejected on the same grounds as claim 29.

As per claim 31, Blinn discloses that the package comprises the primary product (SHOES) and a plurality of secondary products (SOCKS); and that the package offer comprises an offer for sale of a customer-selected number of the secondary products (2 socks), selected by the customer, at the package price. Col. 11 lines 43-56.

Claim 48 is rejected on the same grounds as claim 47.

Claim 49 [package price is less] is rejected on the same grounds as claim 18. Claim 51 is rejected on the same grounds as claim 4. Claim 52 is rejected on the same grounds as claim 5. Claim 53 is rejected on the same grounds as claim 6.

As per claim 54, Blinn discloses obtaining the primary product and the at least one secondary product from the retailer after providing the customer response indicating the acceptance of the package offer. Blinn, Col. 8, lines 1-16. See also references to shipping stage, as in Col. 20, line 27-Col. 21, line 5.

As per claim 57, Blinn discloses that obtaining the primary product and the at least one, secondary products comprises receiving a shipment containing the primary product and the at least one secondary product. Blinn, Col. 8, lines 1-16. See also references to shipping stage, as in Col. 20, line 27-Col. 21, line 5.

As per claim 68, Blinn discloses that indicating the interest in the primary product comprises requesting a package associated with the primary product. Blinn shows that a customer has selected to purchase a pair of shoes, Col. 1, lines 43-56.

Claim 72, is rejected on the same grounds as claim 57.

Claim 76 is rejected on the same grounds as claim 4.

Claim 77 is rejected on the same grounds as claim 5.

Claim 78 is rejected on the same grounds as claim 6.

Claim 79 is rejected on the same grounds as claim 7.

Claim 83 is rejected on the same grounds as claim 14.

Claim 87 is rejected on the same grounds as claim 21.

Claim 90 is rejected on the same grounds as claim 25.

Claim 91 is rejected on the same grounds as claim 26.

Claim 92 is rejected on the same grounds as claim 27.

Claim 93 is rejected on the same grounds as claim 29.

Claim 94 is rejected on the same grounds as claim 31.

Claim 111 is rejected on the same grounds as claim 4.

Claim 112 is rejected on the same grounds as claim 5.

Claim 113 is rejected on the same grounds as claim 6.

**Claim Rejections- 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 12-13, 16-17, 20, 23-24, 32-33, 36-43, 50, 58-67, 75, 82, 84-86, 88-89, 95-104, 109, 110, 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn, above.

As per claim 3, Blinn does not specifically disclose detecting that information relating to the primary product is displayed on a web-page viewed by the customer for a pre-determined amount of time.

As previously officially noticed, and now admitted prior art, it is old and well known to measure duration of time spent by a customer viewing information displayed on a web page.

It would have been obvious to one of ordinary skill at the time the invention was made to combine Blinn and general knowledge to disclose detecting that information relating to the primary product is displayed on a web-page viewed by the customer for a pre-determined amount of time because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 12, Blinn does not mention profit margins.

As previously officially noticed and now admitted prior art, merchants price package offers according to multiple factors, including profit margins of products (first ... nth) included in a package.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn with knowledge of one of ordinary skill in the art at the time the invention to disclose that determining the package to be offered to the customer comprises accessing a database to select the at least one secondary product from a plurality of available secondary products based on at least one of the profit margin of the primary product and the profit margin of the at least one secondary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 13 is rejected on the same grounds as claim 12.

As per claim 20, Blinn does not mention profit margins; It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that a discounted price for each Of the at least one secondary product is based on a profit margin of the primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 23 Blinn does not mention profit margins; see claim 20 for admitted prior art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that the discounted price for each of the primary product and the at least one secondary products is based on a profit margin of the primary product and a profit margin of the at least one secondary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 24, Blinn does not specifically disclose that in response to presenting the package offer to the customer, receiving a customer response indicating a rejection of the package offer; and in response to the customer response, determining another package to be offered to the customer.

As previously officially noticed and now admitted prior art, it is common and well known to present alternate offers to a customer when a customer indicates rejection of a first offer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that in response to presenting the package offer to the customer, receiving a customer response indicating a rejection of the package offer; and in response to the customer response, determining another package to be offered to the customer because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 32, Blinn does not specifically disclose that the package price varies based on the customer-selected number of secondary products. As previously officially noticed and now admitted prior art, it is old and well known to calculate a different price for a particular product based on the quantity of the product purchased.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that a package price varies based on a customer-selected number of secondary products because the incorporation of such

features is no more than the predictable use of prior art elements according to their established functions.

As per claim 33, this claim is rejected on the same grounds as claim 32.

As per claim 36, Blinn discloses that detecting that the primary product is of interest to the customer comprises receiving the primary product identifier from a customer service device such as an interactive kiosk, Col. 5, line 49-Col. 6, line 25. Blinn does not specify what functions may be performed by the interactive kiosk.

As previously officially noticed and now admitted prior art, interactive kiosks, with I/O devices (keypad, scanner, card readers, sticks, displays, printers, speakers, for example), are notoriously well known and permit customers to interact with retailer systems to perform many functions that a customer performs from home.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and knowledge concerning customer service devices such as kiosks to disclose detectinQ that the primary product is of interest to the customer comprises receiving the primary product identifier from a customer service device such as a kiosk at a retail establishment because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 37, Blinn discloses interactive Kiosks, as above, which a customer may use perform, at a retailer's, many functions that a customer performs from home. Blinn discloses inputting (an input device such as a keypad, for example) the primary

product identifier and a display device (an output device such as a screen) operable to present the package offer. See, for example, Col. 5, line 49-Col. 6, line 25.

As per claim 38, Blinn does not specifically disclose that the customer service device (interactive kiosk) further comprises a printer operable to print a printed version of the package offer. As noted above, kiosks have I/O devices, including printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and notorious knowledge about kiosks to disclose that a customer service device such as Blinn's interactive kiosk, to comprise a printer operable to print a printed version of the package offer because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 39, Blinn does not specifically disclose that the printed version [of the package offer] comprises a code identifying the package offer and product identifiers for the primary product and the at least one secondary product included in the package. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that the printed version [of the package offer] comprises a code identifying the package offer and product identifiers for the primary product and the at least one secondary product included in the package because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 40, Blinn does not specifically disclose that the input device at a customer service device such as a kiosk comprises a bar code reader.

As previously officially noticed and now admitted prior art, customer service devices such as kiosks often have an input device that comprises a bar code reader.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and well known information to disclose that the input device at a customer service device such as a kiosk to comprise a bar code reader because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 41, Blinn discloses point of sale systems, as in Col. 2, lines 42-67, Col. 23, lines 25-50. Blinn discloses receiving [...] a customer response indicating an account identifier and an acceptance of the package offer; and in response to the customer response, authorizing [...] to charge a financial account identified by the account identifier for the amount of the package price. Blinn, Col. 8, lines 1-16, a customer indicates acceptance of the package offer, by providing payment information, confirming completion of a purchase transaction, as in Col. 8, lines 1-16.)

Blinn does not specifically disclose that receiving [...] a customer response indicating an account identifier and an acceptance of the package offer; and in response to the customer response, authorizing [...] to charge a financial account identified by the account identifier for the amount of the package price takes place at a point of sale terminal.

As previously officially noticed and now admitted prior art, a Point of Sale system include point of sales terminals that are used to capture data at the time and place of sale; POS systems use personal computers or specialized terminals that are combined

with cash registers, optical scanners for reading product tags and/or magnetic card readers for reading credit cards; POS systems may be online to a central computer for credit checking and inventory updating.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and knowledge of POS systems to disclose receiving from a point of sale terminal a customer response indicating an account identifier and an acceptance of the package offer; and in response to the customer response, authorizing the point of sale terminal to charge a financial account identified by the account identifier for the amount of the package price because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 42, Blinn does not specifically disclose that the customer response further indicates a code identifying the package offer and product identifiers for the primary product and the at least one secondary product included in the package. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to accept a customer response that further indicates a code identifying the package offer and product identifiers for the primary product and the at least one secondary product included in the package because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 43, Blinn discloses storing transaction data. Blinn, Col. 6, line 47-Col. 7, line 3, Col. 23, lines 11-24.

Claim 50 is rejected on the same grounds as claim 3.

As per claim 58, Blinn discloses that the primary product has an associated primary product identifier; that indicating an interest in the primary product comprises inputting the primary product identifier [...] that being presented with the package offer comprises receiving the package offer [...] that providing the customer response comprises presenting the account identifier, the primary product and the at least one secondary product, and the indication of the acceptance of the package offer [...], as in claim 47, above.

Blinn does not specifically disclose these limitations as occurring at specific physical locations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn with knowledge of a notorious nature concerning customer service devices (e.g., kiosks) and Point of sale terminals to disclose that these customer actions take place at these particular types of devices because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 59, Blinn discloses that the customer service device communicates with a central server to determine the package offer. Blinn, Fig. 1, a client device transmits the input signal to the central server. See references to products of interest, as in Col. 1, lines 25-56. Blinn discloses cross-selling, Col. 1, lines 43-56). on the display device. Blinn, Fig. 11 and related text, show presenting a package that has been determined, Col. 17, lines 1-17.

Claim 60 was cancelled.

Claim 61 is rejected on the same grounds as claim 13.

As per claim 62, Blinn discloses that the central server communicates with a database to assemble the package offer; that the database stores information relating to at least one additional product in which the customer has indicated an interest; and that the at least one secondary product is selected based on the at least one additional products. Blinn, Col. 1, lines 43-46.

As per claim 63, Blinn discloses that the central server communicates with a database to assemble the package offer; that the database stores information relating to at least one previous transaction (membership and frequent shoppers, the previous transaction including a previously sold product as in Col. 1, lines 43-56. Blinn discloses that the at least one secondary product is selected based on a relationship with the previously sold product. Blinn, Col. 1, lines 43-46, Fig. 11 and related text, and references to relationship between primary and secondary products in that they are related via cross\_sell table, for example. Blinn does not specifically disclose that to determine the package offer, the at least one secondary product is selected from available secondary products based on a profit margin of the primary product.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Blinn to disclose that to determine the package offer, the at least one secondary product is selected from available secondary products based on a profit margin of the primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.



Claim 64 is rejected on the same grounds as claim 37.

Claim 65 is rejected on the same grounds as claim 38.

Claim 66 is rejected on the same grounds as claim 40.

As per claim 67, Blinn discloses point of sale systems, Col. 2, lines 42-67, Col. 23, lines 25-50. Blinn discloses that client machines communicate with central servers to determine package prices (see rejection of claims 1,47 and 74) and that they communicate with financial institutions to charge a package to a financial account (Blinn, credit card payment information, Col. 8, lines 1-16, a customer indicates acceptance of the package offer, by providing payment information, confirming completion of a purchase transaction, as in Col. 8, lines 1-16.). Blinn does not provide specific examples to show that the point of sale terminal communicates with a central server to determine the package price; and that the point of sale terminal communicates with a financial institution to charge the package price to the financial account. These functions are found in point of sale systems and terminals. See point of sale, claim 41.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and knowledge concerning functions of point of sale system terminals to disclose show that the point of sale terminal communicates with a central server to determine the package price; and that the point of sale terminal communicates with a financial institution to charge the package price to the financial account because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 73 was cancelled.

Claim 75 is rejected on the same grounds as claim 3.

Claim 82 is rejected on the same grounds as claim 12.

Claim 84 is rejected on the same grounds as claim 16.

Claim 85 is rejected on the same grounds as claim 18.

Claim 86 is rejected on the same grounds as claim 20.

Claim 88 is rejected on the same grounds as claim 23.

Claim 89 is rejected on the same grounds as claim 24.

Claim 95 is rejected on the same grounds as claim 32.

Claim 96 is rejected on the same grounds as claim 34.

Claim 97 is rejected on the same grounds as claim 36.

Claim 98 is rejected on the same grounds as claim 37.

Claim 99 is rejected on the same grounds as claim 38.

Claim 100 is rejected on the same grounds as claim 39.

Claim 101 is rejected on the same grounds as claim 40.

Claim 102 is rejected on the same grounds as claim 41.

Claim 103 is rejected on the same grounds as claim 42.

Claim 104 is rejected on the same grounds as claim 43.

Claim 109 is rejected on the same grounds as claim 25.

Claim 110 [price is less] is rejected on the same grounds as claim 18.

As per claim 115, Blinn discloses that the input device is further operable to generate a request for shipment of the primary product and the at least one secondary

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product in response to sending the customer response. Col. 8, lines 1-16. see references to shipping stage, as in Col. 20, line 27-Col. 21, line 5.

Claim 116 is rejected on the same grounds as claim 39.

As per claim 117, Blinn discloses that the input signal indicating an interest in the primary product comprises a request for a package associated with the primary product. See, for example, at least Col. 1, lines 43-56, which discloses a package (primary product shoes and secondary product socks at a package price, Col. 8, lines 1- 16, package price = price of shoes + (price of socks \* .50). See Col. 8, lines 1-16, which shows that a customer orders the items in the shopping basket, thereby requesting the package of shoes and socks associated with the primary product shoes).

**Claims 16-17, 34-35 are rejected under 35 U.S.C. 103(a) as unpatentable over Blinn, above, in view of Gupta (US 6820062).**

As per claim 16, Blinn discloses storing in a database information relating to a previous transaction of the customer, the previous transaction including at least one previously sold product (Blinn, Col. 21, lines 6-34, which shows saving orders, which includes primary and secondary products). Blinn does not specifically disclose that determining the package to be offered to the customer comprises: accessing the database to determine the at least one previously sold product, and accessing the database to select the at least one secondary product from a plurality of available secondary products, the selected at least one secondary product having a predetermined relationship with the at least previously sold product. Gupta discloses tailoring packages according to shopper's buying patterns. Col. 5, lines 34-48.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Gupta to disclose that determining the package to be offered to a customer comprises: accessing a database to determine the at least one previously sold product, and accessing the database to select the at least one secondary product from a plurality of available secondary products, the selected at least one secondary product having a predetermined relationship with the at least previously sold product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 17 is rejected on the same grounds as claim 16.

As per claim 34, Blinn does not specifically disclose that a package comprises

the primary product and a plurality of lists of secondary products; and that the package offer comprises an offer for sale of a pre-determined number of the secondary products selected by the customer from each of the plurality of lists, at the package price. This is disclosed by Gupta (US 6820062) Col. 9, lines 32-50, for example. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Gupta to disclose that a package comprises the primary product and a plurality of lists of secondary products; and that the package offer comprises an offer for sale of a pre-determined number of the secondary products selected by the customer from each of the plurality of lists, at the package price because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 35 is rejected on the same grounds as claim 34.

**Claims 44-46, 54-56, 69-72, 105-107, 114, 118, are rejected under 35 U.S.C. 103(a) as being as unpatentable over Blinn, above, in view of Alba.**

As per claim 55, Blinn does not specifically disclose that obtaining the primary product and the at least one secondary product from the retailer comprises visiting a retail establishment of the retailer to pick up the primary product and the at least one secondary product. Tice discloses that it was old and well known to allow customer to pick up items purchased via a web site by visiting retail establishments at the time of Applicants' invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Tice to disclose that obtaining the primary product and the at least one secondary product from the retailer comprises visiting a retail establishment of the retailer to pick up the primary product and the at least one secondary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 56, Blinn does not specifically disclose receiving a code from the retailer; and upon visiting the retail establishment, presenting the code to the retailer, whereby the retailer may use the code to verify that the financial account has been charged in the amount of the package price. This is disclosed by Tice.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Tice to disclose receiving a code from the retailer; and upon visiting the retail establishment, presenting the code to the retailer, whereby the retailer may use the code to verify that the financial account has been

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charged in the amount of the package price because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 69 is rejected on the same grounds as claim 44.

Claim 70, [plurality of retailers] is rejected on the same grounds as claim 55.

Claim 71, [plurality of retailers] is rejected on the same grounds as claim 56.

Claim 114 is rejected on the same grounds as claim 56.

Claim 118, is rejected on the same grounds as claim 69.

**Claims 119-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn, above, in view of Bernard (US 5918213).**

As per claim 119, Blinn discloses method for determination and presentation of a package offer comprising the steps of:

detecting that a primary product is of interest to a customer (Blinn detects a customer's interest based on a customer's request for information concerning a primary item. Col. 16, lines 6-37.)

the primary product having an associated primary product identifier (Blinn discloses the use of product identifiers, as in product numbers, Col. 2, lines 11-41. For Fig. 13B, see SKU for hat, the primary product of interest);

determining a package to be offered to the customer, the package comprising the primary product and at least one secondary product, the primary product and the at least one secondary product each having a corresponding retail price. See, for example, Col. 1, lines 43-56, which discloses that in response to detecting that a primary product (such as shoes) is of interest to the customer, a package is determined and offered to a customer, a package comprising shoes and a pair of socks. The primary product has a corresponding retail price, and the secondary product, socks, also has a corresponding retail price.)

in response to determining the package, determining a package price which is less than a sum of the corresponding retail prices of the primary product and the at

least one secondary product (see, for example, Blinn, Col. 1, lines 43-56, which shows: package price = price of shoes + (price of socks \* .50); which is less than the



sum of corresponding retail prices of the products: retail price = price\_ of shoes + price of socks; presenting a package offer for sale of the package at the package price to the customer. See, for example Blinn, Fig. 11 and related text, which shows presenting an adjusted price, as part of an HTML page. Col. 17, lines 1-17).

Blinn does not specifically disclose detecting a loss of interest in the primary product by the customer and that determining a package to be offered to a customer occurs in response to detecting the loss of interest in the primary product.

Bernard discloses tracking events such as when a customer removes items from a shopping cart, thereby detecting a loss of interest in a primary product by customers. See, for example, Bernard, Col. 33, lines 4-63. Bernard discloses permitting a customer to review items and offers coupons and promotions to customers for all items. In Bernard, see at least Col. 5, line 26-Col.6, line 49.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Bernard to disclose detecting a loss of interest in the primary product by the customer and that determining a package to be offered to a customer occurs in response to detecting the loss of interest in the primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 120, Blinn does not specifically disclose that detecting a loss of interest in the primary product comprises detecting that the customer has removed the primary product from a virtual shopping basket associated with the customer. Bernard, Col. 5, line 58-Col. 6, line 10, discloses detecting that a customer has removed items

that he no longer wishes to purchase, thereby detecting a loss of interest in a primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

As per claim 121, Blinn discloses that detecting a loss of interest in a primary product comprises determining that the customer has expressed interest in another product without having placed the primary product in a virtual shopping basket. Blinn detects a customer's interest based on a customer's request for information concerning a primary item, as in Col. 16, lines 6-37.

As per claim 122 Blinn does not specifically disclose that detecting a loss of interest in the primary product comprises determining that the primary product has been in a virtual shopping basket associated with the customer for a predetermined amount of time without having been purchased. Bernard discloses detecting that customers browse through selections without making purchases, as in Bernard, Col. 32, lines 56-Col. 33, line 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Bernard to disclose determining that the primary product has been in a virtual shopping basket associated with the customer for a predetermined amount of time without having been purchased, thereby detecting a loss of interest in the primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 123 is rejected on the same grounds as claim 119.

Claim 124 is rejected on the same grounds as claim 119.

As per claim 125, Blinn discloses methods for assembly, presentation and redemption of a package offer comprising the steps of

indicating an interest in a primary product (Blinn, see Col. 1, lines 43-56, where a customer indicates an interest in a pair of shoes);

being presented with a package offer to purchase a package at a package price, the package comprising the primary product and at least one secondary product (see references to socks, Col. 1, lines 43-56. See also Fig. 11, and related text);

providing a customer response comprising an account identifier and an indication of an acceptance of the package offer, the acceptance of the package offer authorizing a charge to a financial account identified by the account identifier for the amount of the package offer price (credit card payment information, Blinn, Col. 8, lines 1-16, a customer indicates acceptance of the package offer, by providing payment information, confirming completion of a purchase transaction, as in Col. 8, lines 1-16.)

Blinn does not specifically disclose indicating a loss of interest in the primary product and that being presented with a package offer occurs in response to detecting the loss of interest in the primary product.

Bernard discloses tracking events such as when a customer removes items from a shopping cart, thereby detecting a loss of interest in a primary product by customers. See, for example, Bernard, Col. 33, lines 4-63. Bernard discloses permitting a customer to review items and offers coupons and promotions to customers for all items. In Bernard, see at least Col. 5, line 26-Col. 6, line 49.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Blinn and Bernard to disclose indicating a loss of interest in the primary product and that being presented with a package offer occurs in response to detecting the loss of interest in the primary product because the incorporation of such features is no more than the predictable use of prior art elements according to their established functions.

Claim 126 is rejected on the same grounds as claim 125.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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